

IN THE UNITED STATES DISTRICT COURT FOR
THE WESTERN DISTRICT OF OKLAHOMA

DONALD WAYNE O'NEAL,)
)
Plaintiff,)
)
vs.) No. CIV-12-958-W
)
CAROLYN W. COLVIN, Acting)
Commissioner, Social Security)
Administration,¹)
)
Defendant.)

ORDER

On January 30, 2013, United States Magistrate Judge Shon T. Erwin issued a Report and Recommendation in this matter and recommended that the decision of Carolyn W. Colvin, Acting Commissioner of the Social Security Administration ("Commissioner"), denying the Application for Disability Insurance Benefits and the Application for Supplemental Security Income filed by plaintiff Donald Wayne O'Neal be reversed. Magistrate Judge Erwin further recommended that this matter be remanded to the Commissioner for additional administrative proceedings. The parties were advised of their right to object to the Report and Recommendation, but neither party has objected within the allotted time.

Upon review of the record, the Court concurs with Magistrate Judge Erwin's determination that remand of this matter is warranted because the Administrative Law Judge ("ALJ") failed to explain his rejection and/or disregard of the Veterans

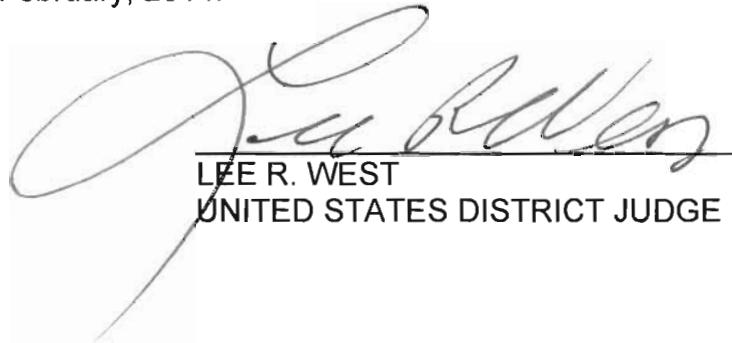
¹Effective February 14, 2013, Carolyn W. Colvin became Acting Commissioner of Social Security. Pursuant to Rule 25(d)(1), F.R.Civ.P., Colvin is hereby SUBSTITUTED for Michael J. Astrue as defendant in this action.

Administration's disability determination and because the ALJ's finding with regard to O'Neal's ability to function is not supported by substantial evidence.

Accordingly, the Court

- (1) ADOPTS the Report and Recommendation [Doc. 20] issued on January 30, 2014;
- (2) REVERSES the Commissioner's decision denying O'Neal's Applications for Disability Insurance Benefits and Supplemental Security Income;
- (3) REMANDS this matter to the Commissioner pursuant to sentence four of Section 205(g) of the Social Security Act, 42 U.S.C. § 405(g), for further administrative proceedings in accordance with this Order and consistent with Magistrate Judge Erwin's Report and Recommendation; and
- (4) ORDERS that judgment pursuant to this Order issue forthwith.

ENTERED this 14th day of February, 2014.



LEE R. WEST
UNITED STATES DISTRICT JUDGE